

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9932 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANOJ INDRAVADAN PATEL

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner
MR.A.B.VYAS, LD.ASST.GOVERNMENT PLEADER
for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 10/03/99

ORAL JUDGEMENT

1. The petitioner, a co-detenu in SCA No.7989/98 has challenged the detention order, dated 1.8.98 passed by the Police Commissioner, Ahmedabad City under section 3(2) of Prevention of Antisocial Activities Act (for short "PASA").

2. The detention order was passed on the same material on which the co-detenu in SCA No.7989/98 was detained. Same witnesses also gave confidential statements against the petitioner of this writ petition. The SCA No.7989/98 was allowed by me today and the detention order has been quashed and set aside. The case of the petitioner is thus fully covered by the judgment rendered by this court (presided over by me) today (10.3.99) in SCA No.7989/98.

3. For the reasons stated above, this writ petition succeeds and is hereby allowed. The detention order, dated 1.8.98 being illegal is hereby quashed and set aside. The petitioner shall be released forthwith unless he is wated in some other case.

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